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8 JOSEPH RAYHBUCK p/k/a FAT CODA STUDIOS,
9 and WATCHDOG AI, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSEPH RAYHBUCK p/k/a FAT CODA
STUDIOS, an individual, and
WATCHDOG AI, INC., a California
corporation,

Plaintiffs,

v.

PARAMOUNT GLOBAL, a Delaware
corporation,

Defendant.

CASE NO: _____

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs JOSEPH RAYHBUCK p/k/a FAT CODA STUDIOS (“Rayhuck”) and WATCHDOG AI, INC. (“Watchdog”), by and through their attorneys, Valkyrie Law Group, P.C., as and for their Complaint for Copyright Infringement against Defendant PARAMOUNT GLOBAL (“Paramount”), state as follows:

NATURE OF THE ACTION

1. This is an action to stop Paramount’s rampant infringement of Rayhuck’s copyrighted work “Laterals” (hereinafter the “Work”) for commercial gain on its social media pages, and to recover damages for Paramount’s willful conduct.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338 (federal question) and supplemental jurisdiction over Plaintiff's State claims pursuant to 28 U.S.C. § 1367.

3. This Court has personal jurisdiction over Defendants in that, among other things, Defendants do business in this Judicial District, and Plaintiff does business and is suffering harm in this Judicial District as the infringements were posted on the TikTok, Inc.'s platform known as "TikTok", whose principal place of business in the United States is located in this Judicial District at 5800 Bristol Parkway, Suite 100, Culver City, CA 90230 and because Defendants targeted consumers located in this Judicial District with its infringing activity.

4. Venue is proper in this Judicial district pursuant to 28 U.S.C. §§ 1391(b)-(d) and 1400(a).

THE PARTIES

5. Plaintiff JOSEPH RAYHBUCK p/k/a FAT CODA STUDIOS ("Rayhuck"), is an individual and citizen of California, domiciled in Castro Valley, California.

6. Rayhuck is an accompanist, performer, and producer specializing in drums and percussion for live and session work, dance class accompaniment, and composition.

7. Plaintiff WATCHDOG AI, INC. ("Watchdog"), is California corporation with its principal place of business is located at 106 Bennington St, San Francisco, CA 94110.

8. Watchdog is in the business of monitoring the web for unauthorized and unlicensed use of user's intellectual property on platforms such as TikTok, Instagram, and Youtube and granting licenses for such uses.

9. Plaintiff Watchdog is Rayhuck's exclusive agent with regard to enforcing Rayhuck's rights as copyright holder, including copyright litigation, against

1 unlicensed commercial usage of Rayhuck's copyrighted works by third-party
2 commercial businesses in order to promote, or otherwise in connection with, their
3 brands or companies.

4 10. Plaintiff Watchdog is Rayhuck's exclusive agent in connection with
5 granting synchronization licenses for Rayhuck's copyrighted works.

6 11. Defendant PARAMOUNT GLOBAL ("Paramount") is a Delaware
7 corporation with its headquarters located at 1515 Broadway, New York, New York,
8 10036.

9 12. Paramount is a multinational media and entertainment company that
10 produces and distributes television shows, movies, and other content through studios,
11 networks, streaming services, live events, and merchandise.

12 13. Paramount's main properties include the namesake Paramount Pictures
13 Corporation, the CBS Entertainment Group (consisting of the CBS and partially owned
14 The CW television networks and television stations, BET Media Group (which
15 oversees the BET and VH1 channels, among others), and other CBS-branded assets),
16 Paramount Media Networks (consisting of U.S.-based cable television networks
17 including MTV, Nickelodeon, Comedy Central, CMT, Paramount Network, and
18 Showtime) and Paramount Streaming (including Paramount+ and Pluto TV)
19 (hereinafter collectively referred to as the "Paramount Properties").

20 14. Paramount also has an international division that manages international
21 versions of its pay TV networks, as well as region-specific assets including Argentina's
22 Telefe, Chile's Chilevisión, the United Kingdom's Channel 5, and Australia's Network
23 10. From 2011 to 2023, the division also owned a 30% stake in the Italian Rainbow
24 S.p.A. studio. As of 2019, the company operates over 170 networks and reaches
25 approximately 700 million subscribers in 180 countries.

26 15. Paramount also operates a social media empire for its Paramount
27 Properties, with millions of followers across multiple social media platforms and
28 accounts.

1 16. Paramount is responsible for social media accounts associated with
2 Paramount's owned properties and their subsidiaries (the "Social Media Pages").

3 **FACTS RELEVANT TO ALL COUNTS**

4 **A. TikTok**

5 17. TikTok is a social media and entertainment platform that allows users to
6 view, create, and share short videos.

7 18. The TikTok App is one of the world's most popular social media
8 platforms, with nearly 1.6 billion monthly active users across the globe.

9 19. TikTok users can publish videos for others' viewing, including videos that
10 they make themselves, and can apply filters and visual effects using the app's
11 technology.

12 20. TikTok also displays a curated feed of video content based on the users'
13 viewing preferences, as well as advertisements.

14 21. Users who create accounts are given personal profile pages that display
15 their username and posted content.

16 22. While TikTok's primary function involves video creation and viewing, it
17 also contains a custom "in-app browser" that enables users to view external websites.

18 23. TikTok directs users to these third-party websites in several different
19 ways: 1) presents users with video ads in their feeds that include links to an advertised
20 product or service's website; and 2) users who have at least 1,000 followers can add
21 links to external websites on their personal profiles, a feature that influencers,
22 businesses, and organizations routinely use to direct viewers to their brands and
23 products.

24 24. When users tap on these ads or links while using the TikTok, the in-app
25 browser opens these links internally within the TikTok App instead of transferring
26 them to a separate web browser on the user's device such as Google Chrome or Safari.

27 25. When users create videos on TikTok, they have the ability to add
28 recommended music through the in-app music library, which includes trending audio

1 clips.

2 26. TikTok trends are viral phenomena that spread across the TikTok
3 platform, driven by user participation in challenges, hashtags, dance routines, memes,
4 or audio clips.

5 27. These trends often begin with individual creators who upload content
6 featuring a particular theme, concept, or challenge.

7 28. As users discover these posts, they may replicate or remix the content,
8 making it their own by adding personal twists.

9 29. The spread of these trends is facilitated by TikTok's algorithm, which
10 prioritizes content based on engagement metrics (e.g., likes, comments, shares, and
11 watch time).

12 30. The more engaging the content, the more likely it is to appear on a user's
13 "For You" page, thus reaching a broader audience.

14 31. This creates a snowball effect, where trends quickly gain momentum and
15 visibility across the platform.

16 32. Corporations, seeking to capitalize on the popularity of trends, may
17 participate in these viral challenges or meme formats by incorporating third-party
18 copyrighted works into their videos.

19 33. TikTok trends frequently revolve around popular songs or audio clips,
20 which may be copyrighted.

21 34. While TikTok provides a music library for users to select from,
22 corporations often bypass proper licensing arrangements for exclusive or unlicensed
23 use of copyrighted audio in their videos.

24 35. In repurposing user-generated content and/or influencer videos that
25 feature copyrighted works, corporations often exploit content without obtaining the
26 necessary rights to use such content.

27 **B. The Work**

28 36. The Work entitled "Laterals" is a sound recording which embodies a

1 musical composition from Plaintiff Rayhbuck's album called "Drums for Modern
2 Dance Class (Horton Technique)," and was published on June 12, 2015.

3 37. The Work was registered with the U.S. Copyright Office on October 28,
4 2024, Registration No. SR 1-016-157.

5 38. Plaintiff's Work was used in a TikTok video posted by user
6 @shelbysdanceact on February 9, 2023.

7 39. The video depicts the user in a dance studio performing contemporary
8 dance while the Work plays in the background.

9 40. The video became viral and its sound featuring the Work was
10 recommended in TikTok's in-app music library as a trending audio clip.

11 41. The original video has over 676,200 views, and the original sound was
12 used in over 51,100 videos as part of the TikTok trend.

13 **C. Paramount's Infringing Videos**

14 42. Paramount, through its properties, participated in the TikTok trend using
15 the Work.

16 43. On October 25, 2024, Paramount's property, Paramount+ Italia, posted a
17 TikTok video on its commercial TikTok page which included the Work.

18 44. Paramount+ Italia has over 312,800 TikTok followers.

19 45. The Paramount+ Italia video featuring the Work garnered over 1.5 million
20 plays, with over 11,000 likes, 94 shares, and 23 comments.

21 46. On October 22, 2024, Paramount's property, the Late Show With Stephen
22 Colbert ("Colbert Late Show"), posted a video on its commercial TikTok page which
23 included the Work.

24 47. Colbert Late Show has over 2,500,000 TikTok followers.

25 48. The Colbert Late Show video featuring the Work garnered over 94,000
26 plays, with over 12,000 likes, 490 shares, and 266 comments.

27 49. On October 15, 2024, Paramount's property, Nickelodeon, posted a video
28 on its commercial TikTok page which included the Work.

1 50. Nickelodeon has over 15,400,000 TikTok followers.

2 51. The Nickelodeon video featuring the Work garnered over 28,000 plays,
3 541 likes, 7 shares, and 6 comments.

4 52. Paramount did not obtain any license or authority by Plaintiff Rayhuck
5 to use the Work in the TikTok videos posted on the Paramount Properties' commercial
6 TikTok pages described above (hereinafter the "Videos").

7 **COUNT I**

8 **DIRECT COPYRIGHT INFRINGEMENT**

9 53. Plaintiffs incorporate the preceding paragraphs of this Complaint as if
10 fully set forth herein.

11 54. The Work is owned and/or controlled by Plaintiff Rayhuck and is an
12 original, creative work and constitute copyrightable subject matter under the Copyright
13 Act.

14 55. Rayhuck owned and controlled the copyright to the Work during the
15 relevant times of Paramount's infringement.

16 56. By its actions, Paramount's creation, posting, and distribution of the
17 Videos infringes Rayhuck's copyright.

18 57. Through these unauthorized uses, Paramount has unlawfully reproduced,
19 prepared derivative works from and/or distributed the Work in violation of at least 17
20 U.S.C. § 106(1), (2), and (3), without any authorization, permission, license, or consent
21 from Rayhuck.

22 58. Paramount's acts of infringement are knowing, deliberate, and in
23 complete disregard for Rayhuck's rights.

24 59. Paramount's conduct constitutes willful copyright infringement under 17
25 U.S.C. § 504(c)(2).

26 60. As a direct and proximate result of Paramount's infringement of
27 Rayhuck's copyright and exclusive rights under copyright, Plaintiffs are entitled to
28 their actual damages, including Paramount's profits attributable to the infringement, in

1 amounts to be proven at trial, pursuant to 17 U.S.C. § 504(b), or, in the alternative, at
2 Plaintiffs' election pursuant to 17 U.S.C. § 504(c), to statutory damages up to the
3 amount of \$150,000.00 per infringed work, or such other amounts as may be proper
4 under 17 U.S.C. § 504(c).

5 61. Plaintiffs are entitled to their costs, including reasonable attorney's fees,
6 pursuant to 17 U.S.C. § 505.

7 **COUNT II**

8 **VICARIOUS INFRINGEMENT**

9 62. Plaintiffs incorporate the preceding paragraphs of this Complaint as if
10 fully set forth herein.

11 63. If Paramount is not directly liable for the infringing Videos on social
12 media accounts of its properties, Paramount is, at the very least, vicariously liable for
13 the infringing Videos posted and/or created by the Paramount Properties.

14 64. As described above, Paramount has the right, ability, and authority to
15 control and supervise the creation and posting of videos created or posted by its
16 properties.

17 65. Paramount has failed to exercise its right and ability to control and
18 supervise the infringing activity of its properties.

19 66. As described above, Paramount receives a direct financial benefit from
20 infringing videos posted by its properties, and from their use of Rayhbuck's sound
21 recording.

22 67. The Paramount Properties' exploitation of the Work in the infringing
23 videos saves Paramount the cost of a license, increases Paramount's sales and revenue,
24 enhances the visibility of Paramount's properties and services, and drives users that
25 would not otherwise view Paramount's social media content to its accounts and pages
26 that promote the Paramount brands. Paramount's failure to take any action has caused
27 its properties to continue to use Rayhbuck's sound recording without authorization.

28 68. Plaintiffs have been damaged, and will continue to be damaged, by

1 Paramount's knowing, deliberate, and willful acts of vicarious infringement.

2 69. Plaintiffs are entitled to injunctive relief prohibiting Paramount from
3 further acts of vicarious infringement.

4 70. As a direct and proximate result of Paramount's vicarious infringement of
5 Rayhuck's copyright and exclusive rights under copyright, Plaintiffs are entitled to
6 their actual damages, including Paramount's profits attributable to the infringement, in
7 amounts to be proven at trial, pursuant to 17 U.S.C. § 504(b), or, in the alternative, at
8 Plaintiffs' election pursuant to 17 U.S.C. § 504(c), to statutory damages up to the
9 amount of \$150,000.00 per infringed work, or such other amounts as may be proper
10 under 17 U.S.C. § 504(c).

11 71. Plaintiffs are entitled to their costs, including reasonable attorney's fees,
12 pursuant to 17 U.S.C. § 505.

13 **COUNT III**

14 **CONTRIBUTORY INFRINGEMENT**

15 72. Plaintiffs incorporate the preceding paragraphs of this Complaint as if
16 fully set forth herein.

17 73. If Paramount is not directly liable for the infringing Videos on social
18 media accounts of its properties, Paramount is, at the very least, contributorily liable
19 for the infringing Videos posted and/or created by the Paramount Properties.

20 74. As described above, Paramount induced and/or materially contributed to
21 the infringing Videos posted and/or created by Paramount Properties.

22 75. As described above, Paramount knew, or had reason to know, or was
23 willfully blind that its paid properties used unlicensed copyrighted works in the
24 infringing posts at issue because, among other things, Paramount employees closely
25 track and monitor all social media posts that tag or otherwise mention Paramount, or
26 any of its properties, actively reviewed infringing content created by the Paramount
27 Properties, and upon information and belief has received specific notices sent by or on
28 behalf of other third-party content owners or the platforms themselves.

1 76. To the extent that Paramount does not have actual knowledge, the
2 systemic infringement by Paramount and its properties combined with Paramount's
3 substantial investment in social media marketing generally, establishes that Paramount
4 is aware of a high probability of infringement by the Paramount Properties, both
5 consciously and intentionally.

6 77. Paramount's conduct constitutes willful contributory copyright
7 infringement.

8 78. Plaintiffs have been damaged, and will continue to be damaged, by
9 Plaintiff's acts of contributory infringement.

10 79. Plaintiffs are entitled to injunctive relief prohibiting Paramount from
11 further acts of contributory infringement.

12 80. In addition, as a direct and proximate result of Paramount's contributory
13 infringement of Rayhbuck's copyright and exclusive rights under copyright, Plaintiffs
14 are entitled to their actual damages, including Paramount's profits attributable to the
15 infringement, in amounts to be proven at trial, pursuant to 17 U.S.C. § 504(b), or, in
16 the alternative, at Plaintiffs' election pursuant to 17 U.S.C. § 504(c), to statutory
17 damages up to the amount of \$150,000.00 per infringed work, or such other amounts
18 as may be proper under 17 U.S.C. § 504(c).

19 81. Plaintiffs are entitled to their costs, including reasonable attorney's fees,
20 pursuant to 17 U.S.C. § 505.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs pray for judgment from this Honorable Court in
23 Plaintiffs' favor against Defendant Paramount:

- 24 a. A declaration that Paramount has willfully infringed Plaintiff Rayhbuck's
25 copyrighted sound recording in violation of the Copyright Act;
- 26 b. A permanent injunction requiring Paramount and its agents, employees,
27 officers, attorneys, successors, licensees, partners and assignees, and all
28 persons acting in concert with any one of them, to cease directly and

1 indirectly infringing, and causing, enabling, facilitating, encouraging,
2 promoting, inducing, and/or participating in the infringement of any of
3 Plaintiff's rights protected by the Copyright Act;

4 c. An Order requiring Paramount to render a full and complete accounting
5 to Plaintiffs for Paramount's profits, gains, advantages, and the value of
6 business opportunities received from its infringing activities;

7 d. For statutory damages pursuant to 17 U.S.C. § 504(c) for Paramount's
8 *willful* infringement to the greatest extent provided by the Copyright Act,
9 or, in the alternative, at Plaintiffs' election, Plaintiffs' actual damages and
10 Defendant's profits attributable to the infringement pursuant to 17 U.S.C.
11 § 504(b), in an amount to be proven at trial;

12 e. For an award of Plaintiffs' costs in this action, including reasonable
13 attorney's fees, pursuant to 17 U.S.C. § 505;

14 f. For pre-judgment and post-judgment interest at the applicable rate on any
15 monetary award made part of the judgment against Defendant; and

16 g. For such other and further relief as the Court deems proper.

17 **JURY DEMAND**

18 Plaintiffs demand trial by jury on all issues so triable.

19 DATED: February 25, 2025

Respectfully submitted,

20 **JOSEPH RAYHBUCK p/k/a FAT CODA**
21 **STUDIOS and WATCHDOG AI, INC.**

22 /s/ Heather L. Blaise

23 HEATHER L. BLAISE, ESQ. (SBN 261619)

24 *Attorney for Plaintiffs*
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